



4863 2115107 \$1,500.00

OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

NEW YORK LIFE INSURANCE
COMPANY,

An Authorized Insurer

No. D06-344

CONSENT ORDER
IMPOSING A FINE

Findings of Fact:

1. New York Life Insurance Company ("NYLIC") is authorized to conduct insurance business in Washington State. It issues life and disability insurance.
2. NYLIC electronically filed its calendar year 2004 Annual Statement with the Office of the Insurance Commissioner ("OIC") on February 28, 2005, but the Separate Accounts Statement was not in the filing.
3. NYLIC electronically filed the 2004 Separate Accounts Statement with the OIC on April 29, 2005.
4. NYLIC electronically filed its calendar year 2005 Annual Statement and Separate Accounts Statement on February 28, 2006. The OIC received the paper Jurat signature pages on May 9, 2006. The paper signature pages for NYLIC's calendar year 2005 Statement of Actuarial Opinion and Statement of Non-Guaranteed Elements were filed with the OIC on May 31, 2006. The signature page for the calendar year 2005 Actuarial Opinion for Participating and Non-Participating Policies was filed with the OIC on January 23, 2007.

Conclusions of Law:

1. NYLIC's failure to timely file complete calendar year 2004 and 2005 Annual Statements with the OIC constitutes two violations of RCW 48.05.250.
2. RCW 48.05.185 authorizes the Commissioner to impose a fine in lieu of or in addition to the suspension or revocation of an insurer's certificate of authority.

Consent to Order:

NYLIC consents to the following, in order to resolve this matter without further legal or administrative proceedings. The Insurance Commissioner consents to resolve this matter in consideration of NYLIC's payment of a fine as set forth below.

1. NYLIC consents to the entry of the foregoing Findings of Fact and Conclusions of Law, and acknowledges its duty to comply fully with all applicable laws and regulations of the

State of Washington. It waives further administrative or legal challenge to the actions taken by the Insurance Commissioner that are related to the subject matter of this Order.

2. Within thirty days of the entry of this Order, NYLIC will pay to the Insurance Commissioner a fine in the amount of \$1,500 (one thousand five hundred dollars).

3. Failure to pay the fine in full within thirty days of the entry of this order will constitute grounds for revocation of the certificate of authority held by NYLIC in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 10th day of November, 2007.

NEW YORK LIFE INSURANCE COMPANY

By: [Signature]

Printed Name: Catherine A. Marvon

Printed Corporate Title: Vice President & Associate General Counsel

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner orders as follows:

Order:

1. New York Life Insurance Company is ordered to pay, within thirty days of the entry of this order, a fine in the amount of \$1,500 (one thousand five hundred dollars).

2. Failure to pay the fine timely and in full will constitute grounds for revocation of the certificate of authority held by the insurer in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 19th day of February, 2007

MIKE KREIDLER
Insurance Commissioner

By: [Signature]

Marcia G. Stiekler

Legal Affairs Division